



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/18/00

AGENDA ITEM 7

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Planning Commission's Action Denying Zone Change 99-190-01 - Society of Saint Vincent de Paul (Applicant/Owner) - Request to Change Zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (**PD/SD-3**) to Construct Ten Cottages and Extend Grace Court (Private Street) to Melvin Court - The Property is Located on Grace Court Between Grace Street and Smalley Avenue and at 22331 Mission Boulevard

RECOMMENDATION:

It is recommended that the Council adopt the negative declaration and approve the project subject to the findings and conditions of approval.

DISCUSSION:

At the March 21, 2000 meeting, the City Council considered the proposal by the applicant to construct ten cottages to be rented to families participating in a program designed to provide housing to families in transition. Council members raised questions regarding the security within the project, the number of proposed units and the size of the proposed lots, provision of adequate play area for children, the placement and design of fencing, the type of project management, the program that would operate the specialized housing, and how the project would be maintained. At its May 23, 2000 meeting, the City Council continued this item to the July 18, 2000 meeting at the request of the applicant's attorney in order to finalize the revised drawings for the project and their contract with Eden Housing to manage the property. The applicant was also to meet with neighbors and interested parties to assure that they have addressed their main concerns

Since the May 23, 2000 meeting, the applicant has downsized the maximum number of units to be within the project from 14 units (10 new units and retention of 4 existing units) to 12 units (nine new units and the removal of one of the existing cottages). The floor plans and building elevations of the proposed units have not changed from what was previously submitted. With fewer units being proposed, the applicant was able to provide a group open space area at the center of the project and to reorient the garages so that they would be contiguous with the

cottage units. The project is not significantly different in basic design to merit further review by the Planning Commission.

The group open space area is approximately 5,075 square feet in area, which includes turf, benches, a half basketball court and a tot-lot play area. The area would be fenced and gated. Staff believes that the basketball court area could present itself to be an attractive nuisance drawing off-site users unless adequate supervision is provided and the facility is secured. Nevertheless, the hard surface court could also provide a safe area where younger children could play and ride small wheeled vehicles.

Staff has reviewed the placement of the garages and does not see that these structures represent a problem if the property were to be subdivided at a later date. At this time, the applicant has decided that the development will be a rental facility operated under a program administered by the applicant with property management being done by Eden Housing, Inc. Staff has included a condition of approval requiring that a tentative tract map and Final Map be approved prior to the sale of the cottages. In the absence of use of the property for program purposes, this would encourage its use for home ownership.

The Council should note on the site plan that garages Nos. 9, 10 and 11 will have a zero setback along a rear or side property line. Staff recommends that garages No. 9 and 10 be brought forward to provide a minimum 3-foot setback between the roof eave and the property line. The Conditions of Approval cover this modification. This change will not affect parking in the driveways since the driveways are already too short and any parking there would overhang the sidewalk.

Garage No. 11 is attached to the proposed dwelling and will have no setback between the structure and the property line. The architect indicates that the structures can meet building codes for fire protection without the use of raised parapet walls above the roofline. The proposed zero setback is considered to be minor, in this particular case, since it is only the garage area that will be adjacent to the property line. Located on the same property line are legal non-conforming structures (cottage and a separate detached garage) that were constructed many years ago with a zero setback on the adjacent property. Staff believes that ~~the~~ request for this garage placement will not impact the adjoining uses and recommends approval of its siting as shown.

The applicant states that they have reached preliminary accord with Eden Housing, Inc. to manage the property. Final agreement cannot be reached, however, until the project is approved by the City. Eden Housing's responsibilities will be to manage the property for the applicant; do maintenance on the property and buildings, **including** the tot lot and the front, side and rear yards of the cottages; collect the rents; ensure that the cottages are occupied in an appropriate and non-disruptive manner; enforce terms in the tenant leases and the cottage rules; and **handle** evictions when necessary. A draft of the property management agreement deal points has been attached.

St. Vincent de Paul will operate the program and will select candidates from the referrals made by the local Parish Conferences within the Region and some **from** the Dioceses, They will interview the families in conjunction with the property manager to determine that the needs of the families can be met by their occupancy within the cottages. The Society will also make referrals to families living in the cottages for counseling, childcare, job training and other services. No programs will be on site. The Society will maintain communication with all the residents of the cottages.

St. Vincent de Paul indicates that the cottages will be only for low-cost housing for local families relocating in the San **Leandro-Hayward-Fremont** region, In all cases, the families will be experiencing a housing crisis due to divorce, spousal separation, death of spouse, abandonment by spouse, or similar events. In order to provide a safe atmosphere for all families living within the cottages and the surrounding neighborhood, no family that is the ongoing victim of domestic violence will be allowed in the **cottages**. Families with current drug and/or alcohol abuse problems will also not be permitted in the cottages and will **be** directed to another program for assistance.

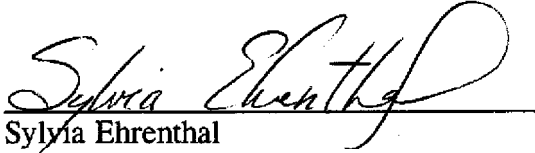
On June 20, 2000, the applicant and their attorney met with neighborhood residents and interested parties to discuss the proposed revisions to the project and program that would operate the cottages. In addition to staff and the applicant and their representatives, **5** persons attended the meeting. These individuals indicated that they were pleased with the changes and that they had no major problems with the project. One individual indicated that she still believed that parking and through traffic was still a problem in the neighborhood but could not attribute it to the project. The neighbors did discuss what was being done to clean up the property and the progress being made to clear the back lot of the stored vehicles.

Prepared by:



Sheldon R. McClellan
Senior Planner

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

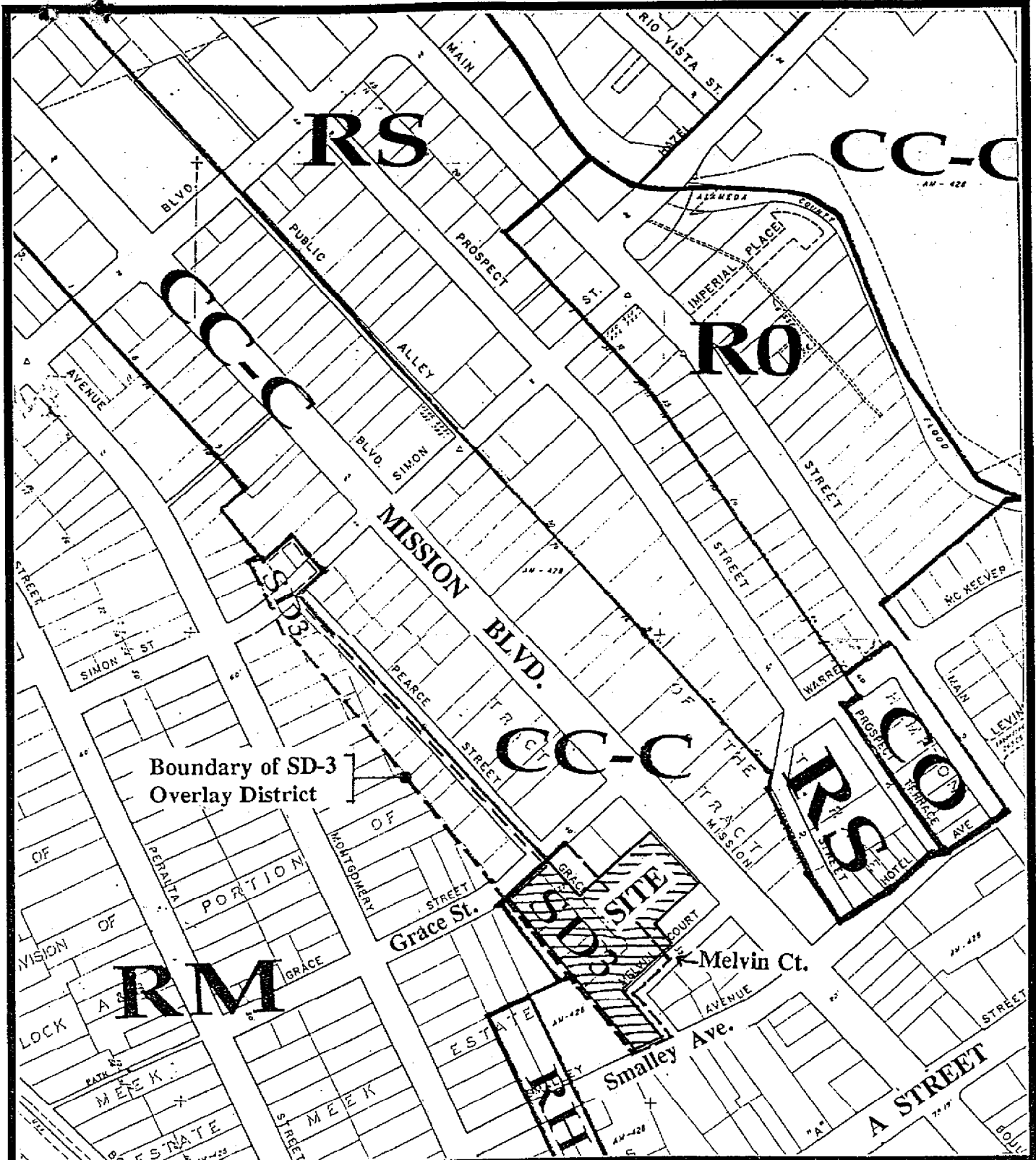


Jesus Armas, City Manager

Attachments :

- Attachment A – Area/Zoning Map
- Attachment B – Program Description and Resident Selection Criteria
- Attachment C – Property Management Agreement Deal Points
- Attachment D – Minutes and Council Agenda Report, dated March 21, 2000
- Attachment E – Minutes and Planning Commission Agenda Report, dated
February 10, 2000

Development Plan
Draft Resolution



ZONING/AREA MAP

ZC99-190-01

William S. Lyons (Applicant)

Society of St. Vincent de Paul (Owner)

Grace Ct. ~ between Grace St. & Smalley Ave.

CC-C	Central City-Commercial Subdistrict
c o	Commercial Office District
RS	Single-Family Residential District
RM	Medium Density Residential District
RH	High Density Residential District
RO	Residential-Office District
SD-3	Cottage Special Design Overlay District

PROGRAM DESCRIPTION AND
RESIDENT SELECTION CRITERIA

SOCIETY OF SAINT VINCENT **DE PAUL** COTTAGES

1. ~~The~~ Purpose Society of Saint Vincent-de Paul Cottages are to be used as low-cost rental housing for local families relocating in the San ~~Leandro-Hayward-~~ Fremont Region. The families will be referred to the Saint Vincent de Paul Cottages by local ~~Parish~~ Conferences within the Region with some referrals coming from the Dioceses. All of the families will be experiencing a housing crisis due to divorce, spousal separation, death of spouse, abandonment by spouse or similar events.

In order to provide a safe atmosphere for all families living in the Society of Saint Vincent de Paul Cottages and the surrounding neighborhood, no family that is the ongoing victim of domestic violence will be allowed to live in the Cottages. The Society of Saint Vincent de Paul will either refer such families to its other programs or recommend another program for the families. In addition, families with an ongoing drug and/or alcohol abuse problem will not be allowed to live in the Cottages and will be referred to another program.

2. Application Process: Each family will be interviewed by the Society of Saint Vincent de Paul and its Property Manager, Eden Housing Management, Inc. to determine whether or not the family's needs can be met by the Society of Saint Vincent de Paul Cottages. Each family will also need to submit a written application that includes the following information:

- (A) Reason for housing crisis
- (B) Annual Income
- (C) Number of members of family
- (D) Number of cars
- (E) Current or most recent address
- (F) Number of pets and identification of pets

3. Household Size: The following occupancy standards will apply:

<u>Cottage Size</u>	<u>Minimum No. of Persons</u>	<u>Maximum No. of Persons</u>
1 Bedroom	1	3
2 Bedrooms	2	5
3 Bedrooms	3	7
4 Bedrooms	4	9

4. Length of Stay: Families will be allowed to rent the Society of Saint Vincent de Paul Cottages for as long as necessary. The Society of Saint Vincent de Paul expects most of the families to stay in the Cottages from anywhere between six months and three years. If a family's domestic status changes in that remarriage or the like

occurs or the net income of the family unit increases significantly, the Society of Saint Vincent de Paul will provide assistance to the family in finding another place to live so that the Cottages can be re-rented to other families in need.

5. Referral Program: The Society of Saint Vincent de Paul will make referrals to families living in the Cottages for counseling, childcare, job training and other services. However, no such programs will be on-site. The Society of Saint Vincent de Paul will maintain communication with all the residents of the Cottages.

6. Pet Policy: Residents may keep dogs or cats, but must enter into a Pet Agreement and pay a pet security deposit. Residents with dogs or cats must observe all the City of Hayward's ordinances regarding pets. Resident should exercise care so that the keeping of dogs and cats does not interfere with other residents' and the neighboring community's use and enjoyment of their property.

PROPERTY MANAGEMENT AGREEMENT DEAL POINTS

The following are ~~the~~ main deal points for a property management agreement between the Society of Saint Vincent de Paul ("the Society") and Eden Housing, Inc. ("Eden"), additional terms of the property management agreement will be worked out towards the ~~completion~~ of construction

- ◆ Eden will be the Society's Property Manager for the Society's property located ~~on~~ Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard (the "Property").
- ◆ Referrals of ~~residents~~ for the cottages currently located on and those cottages to be constructed on the Property will be made by the Society.
- ◆ Eden will provide a telephone number to residents and neighbors to contact Eden after hours and will respond to concerns and other issues,
- ◆ The Society wilt provide ~~Eden~~ the use of office space for Eden's property management duties within the Society's ~~thrift~~ store located next to the P r o p e r t y .
- ◆ As part of its management duties, Eden will be responsible for maintenance of ~~the~~ Property, including the tot lot and the side, ~~front~~, and ~~rear~~ yards of the cottages.
- ◆ As part of its management duties, Eden will be responsible for collecting rent ~~from~~ residents with final decisions regarding late payment of rents to be made ~~by~~ the Society.
- ◆ As part of its management duties, Eden will be responsible for ensuring that cottages are occupied in an appropriate and non-disruptive manner.
- ◆ As part of its ~~management~~ duties, Eden will be responsible for enforcing terms in the tenant leases and the Cottage Rules.
- ◆ Except for determining whether rent is delinquent, Eden will handle all evictions as part of its management duties.

DUE TO THE LENGTH OF EXHIBITS “D” AND “E,” THEY ARE NOT AVAILABLE FOR WEBSITE VIEWING. THE AGENDA REPORT IN ITS ENTIRETY IS AVAILABLE FOR REVIEW IN THE CITY CLERK’S OFFICE AND AT THE MAIN LIBRARY.

DRAFT

mae 7/13/00

ORDINANCE NO. ____

AN ORDINANCE RECLASSIFYING CERTAIN TERRITORY
LOCATED ON GRACE COURT BETWEEN GRACE STREET
AND SMALLEY AVENUE AND AT 22331 MISSION
BOULEVARD TO A PLANNED DEVELOPMENT/
COTTAGE SPECIAL DESIGN OVERLAY DISTRICT
PURSUANT TO ZONE CHANGE APPLICATION 99-190-01

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Reclassification.

Zone Change Application No. 99-190-01 concerns a request by property owner Society of Saint Vincent de Paul to reclassify property located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard, as depicted in Exhibit A attached hereto ("the Property"), by rezoning such Property from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3).

The City Council has previously adopted Resolution No. _____, approving a negative declaration and conditionally approving the preliminary development **plan** submitted with Zone Change Application No. 99-190-01. Based *on* such findings and determinations, the City Council hereby approves the reclassification of the Property from a Central City-Commercial Subdistrict/Cottage Special Design Overlay (CC-C/SD-3) District to a Planned Development District/Cottage Special Design Overlay (PD/SD-3) District.

In addition, the City Council also directs the Director of Community and Economic Development to amend the Zoning District Index Map on file with the Clerk and the Community and Economic Development Department in accordance with the reclassification approved by this Ordinance.

Section 2. Effective Date.

In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective **from** and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held
the ____ day of _____, 2000, by Council Member _____

ADOPTED at a regular meeting of the City Council of the City of Hayward held the
_____ day of _____, 2000, by the following votes of members of said City
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

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mae
7/13/00

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING THE PRELIMINARY DEVELOPMENT PLAN SUBMITTED WITH ZONE CHANGE APPLICATION NO. 99-190-01

WHEREAS, Zone Change Application No. 99-190-01 concerns a request by Society of Saint Vincent de Paul to reclassify property located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard ("the Property") from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to enable construction of nine residential cottages and extend Grace Court, a private street, to Melvin Court; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council held a public hearing on March 21, 2000, and July 18, 2000, regarding Zone Change Application No. 99-190-01, in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

1. That the City Council has reviewed and considered the information contained in the initial study prepared for the project which is the subject of Zone Change Application No. **99-190-01** and the proposed negative declaration; **finds** that the initial study and negative declaration reflect the independent judgment of the City of Hayward; determines that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act and adopts such negative declaration.

2. In addition, the City Council adopts the following findings as to the preliminary development plan submitted in connection with Zone Change Application No. **99-190-01**:
- A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that the proposed development is an in-fill residential project consisting of the addition of nine cottages and the removal of one cottage from four existing dwelling units on a site containing approximately 1.9 acres, and the density of such development is consistent with the General Plan, the North Hayward Neighborhood Plan and the Downtown area.
 - B. The existing streets and utilities, and the proposed extension of Grace Court (which will remain a private street) to Melvin Court, are adequate to serve the development and meet the **minimum** development standards of the City.
 - C. The development will create a residential environment of sustained desirability and stability with small cottage-like units that tie into the existing layout and design of dwelling units on the property. Existing public facilities, such as parks and playgrounds are adequate to serve the anticipated population. The development will have no substantial adverse effect upon surrounding development.
 - D. The project will be constructed in a single phase and all elements of the project, such as street extension, parking, placement of fencing and the sound wall, will be developed with the initial construction.
 - E. Any latitude or exception to development regulation(s) is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards in that the project's unique cottage style residential development is consistent with the policies in the North Hayward Neighborhood Plan which encourage and allow additional cottage development on Grace Court which will meet or exceed other requirements.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that the preliminary development plan submitted with Zone Change Application No. 99-190-01 is hereby conditionally approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance reclassifying the

Property from a Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to a Planned Development District/Cottage Special Design Overlay District (PD/SD-3).

IN COUNCIL, HAYWARD, CALIFORNIA _____ , 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward